

The Times' Daily Short Story.

THE MAN WITH THE PATIENT SMILE

(Original.)

"When I was running the Olympic," said the veteran manager, "one day I was stopped on the street by a cadaverous, threadbare, hungry looking chap who asked if I was Mr. Fuller, the manager. I told him I was, whereupon he pulled from his pocket a roll of manuscript, a play, and asked me to read it."

"What do you call it?" I asked.

"A Lucky Find." The hero loses his fortune and finds it again in the third act. The heroine—

"Yes, yes, I'll oblige you."

"Be careful of it. It's the only copy I have, and it's not copyrighted."

"All right. I'll take care of it."

"I had to go to several places before returning to my office and must have laid the manuscript down somewhere. At any rate I never thought of it again till one day the playwright came to my office. For my life I couldn't remember where I had seen him."

"Have you read my play?" he asked.

"Your play? Oh, yes; now I remember. No. I haven't had time to get at it yet."

"Meanwhile I was trying to think what play it was and where it was."

"All right," he said, with a winning, patient smile. "I'll call again."

"As soon as he had gone I hunted high and low for his manuscript, but it was nowhere to be found. Finally I recalled taking it from him and going to several places afterward, but what places they were I couldn't remember. I was very busy at the time, too busy to take any definite action in the matter. Indeed, there was no action to take except to confess that I had lost his play. In a week he was back."

"Haven't got at your play yet," I said. Then, fearing he would ask for it to take it away, I added: "I'm going to have some time next week. Could you wait till then?"

"Oh, yes," he said, with the same smile.

"If you need a little help, I could let you have a fiver while we're waiting."

"Oh, no. I've had a bit of luck lately. I don't need anything."

"Well, come a week from Saturday. I'll be ready for you."

"When he called again, I was ready for him—with excuses. 'Couldn't more than get through the first act. It opens well. Let me see. The next few days I'll be very busy, but I tell you what I'll do. I don't like to work Sunday, but in this case I'll do it. Come in Monday week.'

"All right," he said, with the usual smile. "Don't hurry. When I saw you last, I'd just got \$100 first payment on a play, and today I got \$400 more; so you see, I can afford to wait."

"Meanwhile I was lying awake

night worrying over the matter. After he had told me that he had sold a play I worried all the more, for a claim from him for damages would now be good. If his play were successful, he might make me pay a large sum. There was nothing for it but to put him off as long as possible. He came again at the appointed time. Fortunately I had a cold.

"You see the condition I'm in," I said, coughing. "A man's not fit to pass on a play when he has to blow his nose between the lines. Beastly weather we're having. On Sunday I thought every minute I'd surely choke. But I've got through the third act."

"Climax all right?"

"Capital. Notwithstanding I had a coughing spell I was much affected."

"Cry? My eyes were all water."

"Climax or cold? He was as serious as a tombstone."

"Oh, both. You come in here a week from today."

"I was getting tired of that smile of his. Such a man was too angelic to live. Instead of writing plays he should be sitting in heaven with all the heroes and heroines who have died on the stage from an excess of virtue. I determined that at our next meeting I'd sound him on the subject of buying his play for as small a sum as he could be prevailed upon to accept. When he came again I said to him:

"Your play will never do in the world. You've got an anticlimax, an impossible situation, in the second act, and the whole scheme is undramatic. But I can use a part of it for a curtain raiser. Would you take a hundred dollars for it?"

"There was no verbal reply—only that confounded smile. I drew my check book and wrote him a check.

"I can't take this," he said. "Somebody has got hold of my manuscript, and the play is to be put on at the National."

"I turned pale. He smiled."

"Say, my friend, what'll you take to let me out of this?"

"If you'll give me the hundred dollars for keeping me waiting I'll call it square."

"Take it and welcome."

"As soon as he had gone I heaved a deep sigh of relief and congratulated myself on having had a man to deal with who hadn't any more sense than to take \$100 for a play he owned and was to be put on the boards by another manager."

"A Lucky Find" was a great success. I received seats for the opening night and was invited to supper after the performance with the playwright. Curious to know who had stolen the play, I accepted. Who should greet me but the man with the patient smile."

"The manuscript," he said, "had on it my name and address and came back to me at once. In ten days more it was contracted for. This is your dinner to me, and it has been already paid for with the check you gave me."

F. A. MITCHEL.

RAILWAY TRUST SUIT

United States Supreme Court Hears Northern Securities' Appeal.

GOVERNMENT FILES BRIEF.

Attorney General Knox Shows Why He Thinks United States Supreme Court Should Confirm Decision of the Circuit Court.

Washington, Dec. 15.—Immediately after disposing of its routine business the supreme court of the United States began hearing arguments in the case of the Northern Securities company, the Great Northern Railroad company, the Northern Pacific company, James J. Hill, J. Pierpont Morgan, Daniel S. Lamont and others versus the United States, coming to this court on appeal from the decision of the circuit court for the district of Minnesota. That decision was to the effect that the purchase of the greater share of the stock of the two railroad companies constituted a merger and was contrary to the Sherman antitrust law. The case involves the community of interest principle.

The court room was crowded both inside and outside the bar. Attorney General Knox was present with quite an array of assistants from his office, while the opposition also was represented by a long list of distinguished counsel, including former Attorney General Griggs, John G. Johnson of Philadelphia, C. V. Bunn and Charles B. Young. Justice Brown was the only member of the court not present.

John G. Johnson, representing the Northern Securities company, made the first argument. He announced that the three railroads and the Securities company would desire to be heard by their counsel, while it was stated in behalf of the government that only the attorney general would speak.

After stating the case Mr. Johnson said that the purpose of the Securities company in acquiring the stock of the railroad companies had been not to prevent competition, but to prevent the injury of its own property.

Justice Peckham asked whether the Securities company held the major portion of the stock of the two companies, and Mr. Johnson admitted that the company held nearly all the stock. He contended that, holding the stock, it had the authority to control it.

He took sharp exception to the decision of the circuit court that the possession of the power which the Securities company had was a violation of the law and contended that such holding was not in accordance with decisions of the supreme court, which were uniformly to the effect that it is the use of power and not the possession of it that constitutes the offense.

The Government's Brief.

The brief of the government in the case was prepared by Attorney General Knox and Assistant Attorney General Day and covers 180 printed pages.

After stating that the bill in the case was originally brought by the government to restrain the violation of the antitrust law by the Securities company in the consolidation of the Northern Pacific and the great railroads and that the decision of the court below was favorable to the contention of the United States, the brief enters into the following specifications as to the reasons for the action:

First.—The lines of railway operated by the defendant, the Great Northern Railway company, and Northern Pacific Railway company are parallel and competing.

Second.—The combination is in restraint of interstate commerce and a monopoly.

The Circuit Court's Opinion.

The concluding paragraph of Judge Thayer's opinion in the circuit court is quoted as summing up the argument bearing upon the facts of the case as follows:

At the present time the Securities company is the owner of about 95 per cent of all the stock of the Northern Pacific company and the owner of about 75 per cent of all the stock of the Great Northern company. The scheme which was thus devised and consummated led inevitably to the following results:

First.—It placed the control of the two roads in the hands of a single person—in wit, the Securities company, by virtue of its ownership of a large majority of the stock of both companies.

Second.—It destroyed every motive for competition between two roads engaged in interstate traffic which were natural competitors for business by pooling the earnings of the two roads for the common benefit of the stockholders of both companies, and, according to the familiar rule that every one is presumed to intend what is the necessary consequence of his own acts, when done wilfully and deliberately, we must conclude that those who conceived and executed the plan aforesaid intended, among other things, to accomplish those objects.

The attorney general's own summary of the results is as follows:

To sum up the result of the "aforementioned exchanges of Great Northern and Northern Pacific stock for the stock of the Securities company the latter company on Dec. 11, 1901, had acquired and paid for 99,000 shares (in round figures) of the Great Northern stock, the total capital stock of that company consisting of 1,250,000 shares, of which 1,250,000 have been issued, and by Jan. 1, 1902, the Securities company had acquired virtually all of the common stock of the Northern Pacific (the preferred stock was retired on that date, the resolution to retire it having been passed in the preceding November), its answer to the bill admitting that it held 1,500,000 Northern Pacific shares out of a total of 1,560,000.

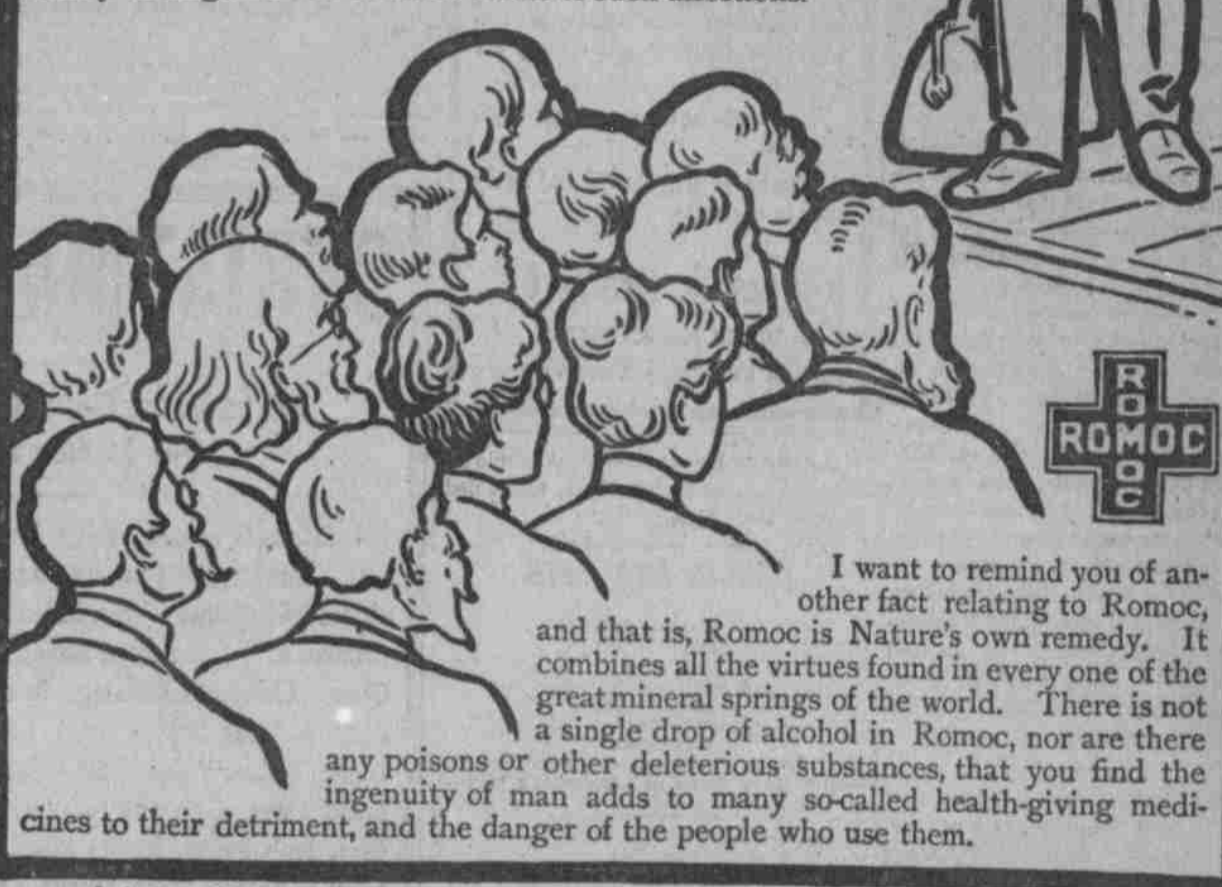
The final result of these transactions was that one and the same set of men—Mr. Hill and Mr. Morgan, and their associates being the ruling spirits among them—acting together under a charter agreement and through the agency of a corporate organization became vested with absolute power of control over two parallel and competing systems of interstate railways. In place of the two distinct sets of stockholders with rival and competing interests—namely, the stock-

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ENNIS EXECUTED.

Former Brooklyn Policeman Put to Death in Sing Sing.

New York, Dec. 15.—William H. Ennis, a former Brooklyn policeman, convicted of having murdered his wife, has been put to death in the electric chair in Sing Sing prison. Two applications of the current were made.

The murder occurred Jan. 14, 1902 at the home of Mrs. Ennis' mother in Canarsie. The policeman first attacked his mother-in-law. Then he shot his wife, despite the pleading of her sister.

Raid on Tillman's Plantation.

Louisville, Ky., Dec. 15.—A special to the Courier-Journal from Columbia, S. C., says that a force of dispensary constables, headed by Chief Cureton, made a successful raid on a blockade distillery in Greenwood county. The still was located on the Piny Ridge place a plantation owned by United States Senator B. R. Tillman. The operator was surprised by the officers, but made his escape. In addition to finding the still four gallons of whisky, sixteen barrels and two hogstubs of beer were seized.

Five Firemen Hurt.

Houston, Tex., Dec. 15.—The plant of Henke & Pillott's warehouse and sugar factory was destroyed by fire, entailing a loss of \$200,000. Five firemen were injured by a falling ladder, two of whom will probably die.

MRS. BLAIR'S SUCCESSOR.

Helen Gould Out of Race For Lad President of World's Fair.

St. Louis, Dec. 15.—Miss Helen Gould has notified her friends among the lady managers of the world's fair that under no circumstances could she consider the acceptance of the position of president to succeed Mrs. James L. Blair.

This, according to members themselves, leaves the contest practically between Mrs. Walker Horton of Buffalo and Mrs. Daniel Manning of Washington.

Mrs. Mary Fox Montgomery of Missouri, who has been mentioned as a candidate for president, said that she thought there was no question that the contest would be between these two.

The board will make an effort to secure permission to change the by-laws so that the present limitation of twenty-one members shall be increased to twenty-three.

Another Tower Unraged.

Camden, N. J., Dec. 15.—The Pennsylvania tower man at Hurling Station, James Kinsey, on the Camden and Ambboy division, four miles from Trenton, was held up late last night. Three men entered the tower and at the point of a revolver secured from Kinsey the contents of his pockets, consisting of only small change. The robbers then made their escape, and Kinsey sent word to Trenton.



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